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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,284	04/02/2004	Bernhard Sander	LA-7559-101US/10404735	2308
167	7590	05/22/2006	EXAMINER	
FULBRIGHT AND JAWORSKI LLP 555 S. FLOWER STREET, 41ST FLOOR LOS ANGELES, CA 90071				FULLER, RODNEY EVAN
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/817,284	SANDER ET AL.	
	Examiner	Art Unit	
	Rodney E. Fuller	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 and 13 is/are rejected.
- 7) Claim(s) 8-12 and 14-16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 April 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Rodney Fuller

Primary Examiner

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/9/04 & 9/7/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the phrase "The invention relates to..." can be implied. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following item(s):

- a. (Page 2, lines 26-27): The specification states "...having the features of claim 1...". This language in the specification should be avoided in that Claim 1 has the potential of being modified or canceled during the prosecution of the application.

Appropriate correction is required.

Claim Objections

4. Claims 8-12 and 14-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 8-12 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Vetter (US 5,543,869).

Regarding claims 1, 5-7 and 13, Vetter discloses “a film track (Fig. 3, ref.# 64) for guiding the motion picture film (Fig. 3, ref.# 10); and a registration device (Fig. 10, ref.# 130) which is movable from a release position into an engagement position in which the registration device engages into the transport plane of the motion picture film in order to fix a motion picture film guided in the film track in an exact position (column 4, line 62 – column 5, line 5), characterized in that at least one alternative position can be selected as an alternative to a reference position for the engagement of the registration device is into the film transport plane (column 5, lines 38-41).”

Regarding claim 2, Vetter discloses wherein "the film holding apparatus has an additional registration device (Fig. 10, ref.# 132) which engages, in its engagement position, into the film transport plane of the motion picture film, with one of the two registration devices being able to be selected for the fixing of the motion picture film (abstract, lines 11-14; column 4, lines 61-64)."

Regarding claim 3, Vetter discloses wherein "an electrical drive device (column 4, lines 64-65) is provided for the moving of the registration devices from the release position into the engagement position, with the drive device being able to be controlled such that one of the two registration devices is alternatively brought into the engagement position (column 6, lines 49-52)."

Regarding claim 4, Vetter discloses wherein "the registration device is formed to be displaceable between the reference position and the alternative position at the film holding apparatus (column 5, lines 38-41), with a fixing device (Fig. 10, ref.# 126) preferably being provided by which the registration device (Fig. 10, ref.# 130, 132) can be fixed in a precise position alternatively in the reference position or in the alternative position."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Galt, et al. (US 5,713,503) and Vetter (US 5,644,376) each disclose a film holding apparatus for the holding of an intermittently transported motion picture film.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller
Primary Examiner
Art Unit 2851

May 15, 2006

